

**Introduced by Senator Torlakson**

March 8, 2004

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An act to amend Section 12240 of the Business and Professions Code, and to amend Section 54985 of the Government Code, relating to local government fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 1905, as introduced, Torlakson. Local government fees.

(1) Existing law authorizes the board of supervisors of a county to charge an annual device registration fee to recover the costs of inspecting or testing those devices incurred by the county sealer, not to exceed specified maximum annual charges for devices at one location. Existing law also sets specific maximum registration fees for certain weighing devices, motor truck scales, and specified livestock scales.

This bill would repeal the maximum annual charges for devices at one location and those maximum registration fees for weighing devices, motor truck scales, and livestock scales.

(2) Existing law authorizes the county board of supervisors to increase or decrease certain fees or charges pursuant to a specified procedure that includes noticed public meetings. Excluded from the application of that authorization, among others, are fees charged or collected by a county agricultural commissioner and annual device registration fees charged to cover the costs of testing or inspecting of weighing and measuring devices incurred by the county sealer.

This bill would repeal the exclusions for fees charged or collected by the county agricultural commissioner and most of the annual device registration fees, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12240 of the Business and Professions Code is amended to read:

12240. (a) Except as otherwise provided in this section, the board of supervisors, by ordinance, may charge an annual device registration fee, not to exceed the county's total cost of actually inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to Section 12210, and to recover the cost of carrying out Section 12211.

~~(b) Except as otherwise provided in this section, the device registration fee shall not exceed the amount prescribed in the Table of Maximum Annual Charges set forth in subdivision (f).~~

~~(c)~~ The county may collect the fees biennially, in which case they shall not exceed twice the amount of an annual fee. The ordinance shall be adopted pursuant to Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 2 of the Government Code.

~~(d)~~

(c) Retail gasoline pump meters, for which the above fees are assessed, shall be inspected as frequently as required by regulation, but not less than once every two years.

~~(e)~~

(d) Livestock scales, animal scales and scales used primarily for weighing feed and seed, for which the above fees are assessed, shall be inspected as frequently as required by regulation.

~~(f) Table of Maximum Annual Charges:~~

Number of Devices	—	Charge Per Location
1 to 3	.....	\$ 40
4 to 9	.....	\$ 80
10 to 19	.....	\$120
20 to 25	.....	\$160
Over 25	.....	\$200

~~(g)~~

(e) For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or

complex owns and is responsible for the utility meters, the annual fee shall not exceed sixty dollars (\$60) per marina, park, or complex, and a fee of up to two dollars (\$2) per device per space or apartment. Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.

~~(h) For weighing devices, other than livestock and motor truck scales, with capacities of 20,000 pounds or greater, the registration fee shall be two hundred dollars (\$200) per device.~~

~~(i) For motor truck scales, the registration fee shall be one hundred dollars (\$100) per device.~~

~~(j)~~

(f) This section does not apply to farm milk tanks.

~~(k)~~

(g) A scale or device used in a certified farmers' market, as defined by Section 113745 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.

~~(l) For livestock scales with capacities of 20,000 pounds or more, the registration fee shall be one hundred dollars (\$100) per device, except that the fee for not more than three devices at a single location shall be one hundred dollars (\$100).~~

SEC. 2. Section 54985 of the Government Code is amended to read:

54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be

1 limited to those items that are included in the federal Office of  
2 Management and Budget Circular A-87 on January 1, 1984.

3 (b) If any person disputes whether a fee or charge levied  
4 pursuant to subdivision (a) is reasonable, the board of supervisors  
5 may request the county auditor to conduct a study and to determine  
6 whether the fee or charge is reasonable.

7 Nothing in this subdivision shall be construed to mean that the  
8 county shall not continue to be subject to fee review procedures  
9 required by Article XIII B of the California Constitution.

10 (c) This chapter shall not apply to any of the following:

11 (1) Any fee charged or collected by a court clerk pursuant to  
12 Section 26820.4, 26823, 26824, 26826, 26827, 26827.4, 26830,  
13 72054, 72055, 72056, 72059, 72060, or 72061 of the Government  
14 Code or Section 103470 of the Health and Safety Code, and any  
15 other fee or charge that may be assessed, charged, collected, or  
16 levied pursuant to law for filing judicial documents or for other  
17 judicial functions.

18 (2) Any fees charged or collected pursuant to Chapter 2  
19 (commencing with Section 6100) of Division 7 of Title 1.

20 (3) Any standby or availability assessment or charge.

21 ~~(4) Any fee charged or collected by a county agricultural~~  
22 ~~commissioner.~~

23 ~~(5) Any fee charged or collected pursuant to Article 2.1~~  
24 ~~(commencing with Section 12240) of Chapter 2 of Division 5~~  
25 ~~subdivision (g) of Section 12240 of the Business and Professions~~  
26 ~~Code.~~

27 ~~(6)–~~

28 (5) Any fee charged or collected by a county recorder or local  
29 registrar for filing, recording, or indexing any document,  
30 performing any service, issuing any certificate, or providing a  
31 copy of any document pursuant to Section 2103 of the Code of  
32 Civil Procedure, Section 27361, 27361.1, 27361.2, 27361.3,  
33 27361.4, 27361.8, 27364, 27365, or 27366 of the Government  
34 Code, Section 103625 of the Health and Safety Code, or Section  
35 9525 of the Commercial Code.

36 ~~(7)–~~

1     (6) Any fee charged or collected pursuant to Article 7  
2     (commencing with Section 26720) of Chapter 2 of Part 3 of  
3     Division 2 of Title 3 of the Government Code.

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